
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DANIEL THOMASON SMITH, §
§
Plaintiff, §
§
versus § CIVIL ACTION NO. 1:19-CV-218
§
UNITED STATES OF AMERICA, *et al.*, §
§
Defendants. §

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Daniel Thomason Smith, a prisoner confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se* and *in forma pauperis*, brought this civil action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and the Federal Tort Claims Act (FTCA) against the United States of America, Warden Dallas B. Jones, and the Director of the Bureau of Prisons.

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting the government's motion to dismiss the FTCA claims.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (21) is **ADOPTED**. The government's motion to dismiss the FTCA claims (#18) is **GRANTED**, and all claims against the United States of America raised in this action are **DISMISSED**.

SIGNED at Beaumont, Texas, this 17th day of September, 2020.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE